

1 HONORABLE RONALD B. LEIGHTON
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9
10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 DAMION BROMFIELD

14 Plaintiff,

15 v.

16 CHARLES MCBURNEY, et al,

17 Defendants.

18 Case No. C07-5226RBL

19 ORDER

20 THIS MATTER comes on before the above-entitled Court upon "Plaintiff's [Amended] Opposition
21 to Magistrate's [sic] Ruling [sic] and Notice to the Court that the Claims Survive Against GEO Defendants
22 on Claims Five and Six and Motion for Publication of the Report and Recommendations [sic]." [Dkt. #37].
Having considered the entirety of the records and file herein, the Court finds and rules as follows:

23 On July 3, 2008 Magistrate Judge Karen L. Strombom issued a Report and Recommendation [Dkt.
24 #33] which recommended that the GEO defendants' motion to dismiss be granted as to Claims Five and Six
25 and be denied as to the remaining claims. The Report and Recommendation was noted for this Court's
consideration on August 1, 2008. On July 11, 2008 the parties filed a Stipulation and Order of Dismissal
26 dismissing with prejudice all of plaintiff's claims against the GEO defendants. The Stipulation was signed by
plaintiff and counsel for the defendants. The Court signed and entered the Stipulation and Order of Dismissal
27 that same day. [Dkt. #34]. The Report and Recommendation was thereby rendered moot.

1 On July 17, 2008 despite the previous Stipulation and Order of Dismissal, plaintiff filed an Objection
2 to the Report and Recommendation. [Dkt. #35]. In the objection, plaintiff challenged the Stipulation and
3 Order of Dismissal arguing that he did not agree that Claims Five and Six were settled. On July 21, 2008, the
4 Clerk's Office received a phone call from the parties requesting that the objection [Dkt. #35] be withdrawn.
5 The Clerk advised that the request needed to be in writing and filed. Rather than moving to withdraw his
6 objection, plaintiff filed an amended opposition [Dkt. #37] and a purported Stipulation and Order of Dismissal
7 with Prejudice. [Dkt. #36]. In the amended opposition, plaintiff objects to the recommendation that Claims
8 Five and Six be dismissed, and requests that the Report and Recommendation be published.

9 Plaintiff also filed a separate Stipulation and Order for Dismissal¹; however, this stipulation differs
10 slightly from the Stipulation and Order of Dismissal this Court entered on July 11, 2008 and does not include
11 the signature of defendants' counsel. The parties have not moved to withdraw the previous Order of
12 Dismissal, and plaintiff has not shown good cause to be relieved of his obligations under the negotiated
13 settlement that the Stipulation and Order of Dismissal represents. Therefore, the Court's previous Order of
14 Dismissal with Prejudice of Defendants Charles McBurney, George Wigen, Carl Sadler, Jose Moncevias, and
15 D. Nelson remains as previously entered. The request for publication is **DENIED**.

IT IS SO ORDERED.

Dated this 15th day of August, 2008.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

²⁸ ¹The Court notes that despite plaintiff's objection to the recommendation to dismiss Claims Five and Six, the purported Stipulation filed by plaintiff still provides for the dismissal with prejudice of those claims.